

**DOMINION OF CANADA
DEPARTMENT OF AGRICULTURE
EXPERIMENTAL FARMS**

DIVISION OF ENTOMOLOGY
Bulletin No. 1

THE DESTRUCTIVE INSECT AND PEST ACT

**AND
REGULATIONS ISSUED THEREUNDER**

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BULLETIN No. 7—SECOND SERIES

Bulletins of the Second Series of the Bulletins of the Experimental Farms treat of such subjects as are of interest to a limited class of readers and are mailed only to those to whom the information is likely to be useful.

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BLACKER

To the Honourable
The Minister of Agriculture,
Ottawa.

SIR,—I have the honour to submit for your approval, Bulletin No. 7 of the Second Series (and No. 1 of the Division of Entomology) entitled, 'The Destructive Insect and Pest Act and Regulations issued thereunder,' prepared by Dr. C. Gordon Hewitt, Dominion Entomologist.

It is evident that this publication is required, as it contains the information necessary to importers of nursery stock, on the conditions governing such importations. It is becoming more and more necessary to protect our forest and orchard trees against insect pests and the procedure involved in the rigid enforcement of the new regulations to this end is fully explained in this bulletin. The text of the act, passed in 1910, is also given and attention is called to the chief dangers which it is the object of this legislation to avoid.

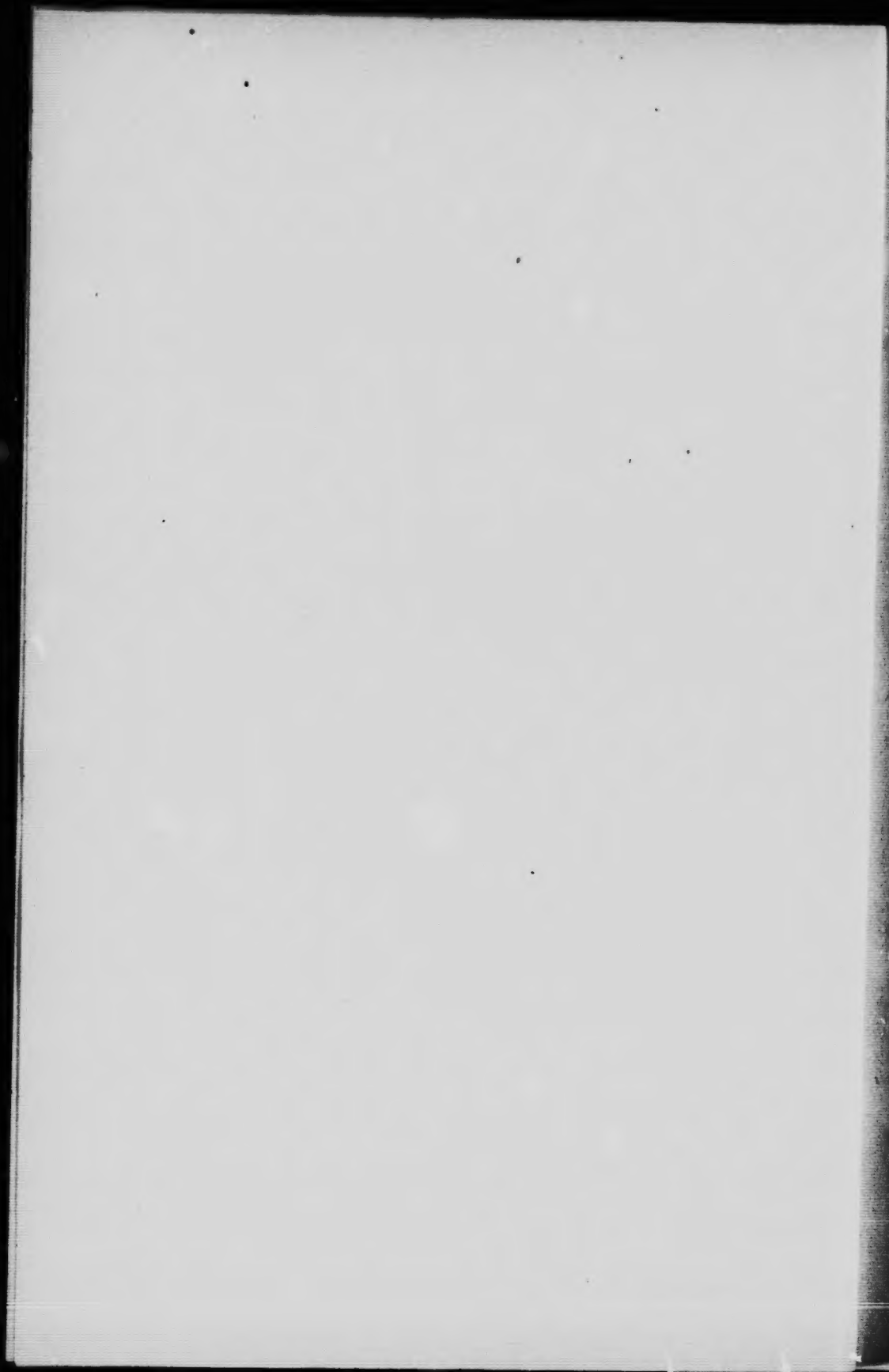
I have the honour to be, sir,

Your obedient servant,

J. H. GRISDALE,

Director, Dominion Experimental Farms.

OTTAWA, May 23, 1911.



THE DESTRUCTIVE INSECT AND PEST ACT, AND REGULATIONS ISSUED THEREUNDER.

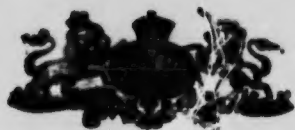
In May, 1910, Parliament passed 'An Act to prevent the introduction or spreading of Insects, Pests and Diseases destructive to vegetation.' The danger of the introduction of injurious insects, pests and plant diseases is probably greater in Canada than in any other country. This is due to the fact that, owing to the rapid development and opening up of the country, a large amount of vegetation of all kinds, trees, shrubs, seedlings, etc., is imported into Canada from countries in various parts of the world. All this vegetation, collectively termed 'nursery stock,' is liable to be infested with insects and other pests and diseases which do not occur in Canada. Introduced in this manner, however, they become established in many instances. The serious effects of the establishment of introduced insects in a new country are enormously increased by the fact that their chief means of control in their native countries, namely, their natural parasites, are not usually brought with them. Their tendency, therefore, is to increase, as the Gipsy and Brown-tail Moths are increasing in the United States. In Canada a number of introduced insects have already established themselves and, in certain cases have been the cause of very great losses. The San José Scale, originally introduced into the United States, was first recorded in Canada about 1894; the Brown-tail Moth, introduced into the State of Massachusetts about 1890 from Europe, was discovered in Nova Scotia in 1907; the Narcissus Fly, which would appear to be a native of Europe, has been introduced into British Columbia and Ontario on bulbs from Holland. Numerous other instances of the introduction of injurious insects into Canada and their subsequent spread might be adduced, indicating this danger to which we are exposed.

The introduction of the San José Scale and the previous experience of its destructive powers in the United States were responsible for the passage of the San José Scale Act in 1898, which prohibited the importation of nursery stock from countries in which the scale occurred. In 1901, by an Order in Council, fumigation stations were established at six Customs ports through which stock was allowed to enter at certain periods of the year after having been fumigated with hydro-cyanic acid gas. Certain classes of stock, not likely to be infested with San José Scale, were exempt from fumigation.

Beyond this power to fumigate certain classes of nursery stock at six of the ports of entry, the Federal Government had no authority to take further action with a view to preventing the introduction of further insect pests and the spreading of these or of pests already in Canada. In 1909, winter webs of the Brown-tail Moth were found in shipments of nursery stock from France and as this insect was already established itself in Nova Scotia, it was important that the Minister should have the necessary powers to prevent the introduction of the pest into those parts of Canada not already infested. Accordingly, the Destructive Insect and Pest Act was passed under which regulations could be made providing for the prohibition of entry,

or inspection subsequent to entry, of nursery stock, or defining other conditions under which nursery stock and other vegetation might be introduced into Canada. Regulations were passed by Order in Council in virtue of provisions of Section 3 of the Act on the 11th of May and 27th of July, 1910. These regulations were rescinded by regulations passed by Order in Council on 27th February, 1911.

The text of the Act and the Regulations issued thereunder are as follows:—



9-10 EDWARD VII.

CHAP. 31.

An Act to prevent the introduction or spreading of
Insects, Pests and Diseases destructive to vegetation.

[Assented to 4th May, 1910.]

HIS Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. This Act may be cited as *The Destructive Insect and Pest* short title
Act.

2. In this Act, unless the context otherwise requires, "the Minister"
means "the Minister of Agriculture." defined.

3. The Governor in Council may make such regulations as Regulations
are deemed expedient to prevent the introduction or admission
into Canada, or the spreading thereof, of any insect, pest or
disease destructive to vegetation.

4. Such regulations may provide—

(a) for the prohibition generally, or from any particular
country or place, of the introduction or admission into Canada
of any vegetable or other matter likely to introduce any such
insect, pest or disease;

(b) the terms or conditions upon, and the places at which
any such vegetable or other matter may be introduced or
admitted into Canada;

(c) for the treatment and manner of treatment to be given to
any vegetation, vegetable matter or premises in order to pre-
vent the spreading of any such insect, pest or disease, and may
prescribe whether such treatment shall be given by the owner
or by a person appointed for such purpose;

(d) for the destruction of any crop, tree, bush or other vege-
tation or vegetable matter or containers thereof infested or
suspected to be infested with any such insect, pest or disease;

(e) for the granting of compensation for any such crop, tree,
bush or other vegetation or containers thereof so destroyed,
such

Scope of
regulations.

such compensation not to exceed two-thirds of the value of the matter destroyed and to be granted only by the Governor in Council upon the recommendation of the Minister;

(f) for the prohibition of the sale of any vegetable matter infected with any such insect, pest or disease;

(g) that the occupier of the premises on which is discovered any such insect, pest or disease shall forthwith notify the Minister and shall also send specimens of such insect, pest or disease;

(h) for the confiscation of any vegetable matter and the container thereof, if any, in respect of which a breach of this Act, or any regulation made thereunder, is committed, and generally for any other purpose which may be deemed expedient for carrying out this Act, whether such other regulations are of the kind enumerated in this section or not.

Inspectors
and officers.

5. The Minister may appoint inspectors and other officers for carrying out this Act and the regulations made thereunder.

Confirmation
of
appointment.

2. Such appointments, if not confirmed by the Governor in Council within thirty days of the date thereof, shall lapse and cease to be valid.

Powers of
inspectors.

6. Any inspector or other officer so appointed may enter any place or premises in which he has reason to believe there exists any such insect, pest or disease, and may take specimens thereof and also of any vegetable matter infested or suspected of being infested therewith.

Powers of
Minister.

7. The Minister, upon the report of any inspector setting forth a reasonable belief of the existence of any such insect, pest or disease in any area defined in such report, may prohibit the removal from such area or the movement therein of any vegetation, vegetable or other matter which, in his opinion, is likely to result in the spread of such insect, pest or disease.

Penalty for
contraven-
tion of
Act and
regulations.

8. Every person who contravenes any provision of this Act, or any regulation made thereunder, shall be liable, upon summary conviction, to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. Any vegetable or other matter imported or brought into Canada contrary to this Act, or to any regulation made thereunder, shall be forfeited to the Crown.

Orders and
regulations to
be published
and laid
before
Parliament

9. Every order in council and regulation made under this Act shall be published in *The Canada Gazette*, and shall be laid, by the Minister, before Parliament within fifteen days after the commencement of the then next session.

R.S., c. 127
repealed.

10. *The San José Scale Act* is repealed.

REGULATIONS.

UNDER THE DESTRUCTIVE INSECT AND PEST ACT.

(Passed by Order in Council, February 27, 1911.)

1. "Inspector" means a person appointed for carrying out the provisions of the Destructive Insect and Pest Act and the Regulations made thereunder.

2. No tree, plant or other vegetation or vegetable matter infested with any of the insects, pests or diseases to which this Act applies, shall be imported into Canada except as hereinafter provided.

3. Nursery stock, including all trees, shrubs, plants, vines, grafts, scions, cuttings or buds which are not hereinafter exempted, entering Canada, shall be imported only through the ports and during the periods respectively hereinafter mentioned, that is to say:—

Vancouver, B.C., from October 1st to May 1st.

Niagara Falls, Ont., from October 1st to May 15th.

Winnipeg, Man., and St. John, N.B., from March 15th to May 15th, and from October 7th to December 7th.

Windsor, Ont., and St. Johns, P.Q., from March 15th to May 15th, and from September 26th to December 7th.

At these points of entry the importations shall be fumigated in the fumigation houses provided for that purpose, and a certificate of fumigation will be issued, without which no stock may be taken out of bond.

Importations by mail shall be subject to the same regulations.

All nursery stock originating in Japan or in any one of the States of Vermont, New Hampshire, Maine, Massachusetts, Connecticut and Rhode Island, six of the United States of America, shall, after fumigation, be subject to inspection as provided by Section 6 of these regulations.

Provided, however, that the following vegetation and florists' stock shall be exempt from fumigation and may be imported at any season of the year and through any port without inspection:—

(a) Greenhouse grown plants, including roses in foliage which have been grown in pots up to three inches in diameter but not larger. A certificate that the plants have been grown under glass must accompany the invoice and shall be signed by the consignor.

(b) Herbaceous perennials (the stems of which die down in winter), such as perennial phlox, peonies, sunflowers, &c.

(c) Herbaceous bedding plants (such as geraniums, verbenas, pansies, &c.)

(d) Bulbs and tubers (such as hyacinths, lilies, narcissi and other true bulbs, and also the tubers of dahlias, irises, &c.)

(e) Cottonwood or Necklace Poplar (*Populus deltoides*) when shipped from and grown in Dakota or Minnesota, two of the United States of America.

4. The port by which it is intended that the nursery stock shall enter shall be clearly stated on each package, and all shipments made in accordance with these regulations will be entirely at the risk of the shippers or consignees, the government assuming no responsibility whatever.

5. All persons importing nursery stock, except such stock as is exempt from fumigation and inspection under section 3 of these regulations, shall give notice to the Dominion Entomologist, Experimental Farm, Ottawa, within five days of despatching the order for the same, and they shall again notify the Dominion Entomologist on the arrival of the shipment in Canada.

Notice shall also be given to the Dominion Entomologist by all transportation companies, Custom House Brokers or other persons importing or bringing into Canada nursery stock that is subject to inspection as hereinafter provided, immediately such a consignment is received by them. Such notice shall include the name of the consignor and the consignee, the points of origin and destination, the name of the company carrying the nursery stock, as well as the nature, quantity and origin of the same.

6. Nursery stock, not including such stock as is exempt under section 3 of these regulations, originating in Europe, shall be imported only through the ports and during the periods specified under section 3 for stock requiring fumigation, with the addition of the ports of Halifax, N.S., Sherbrooke, P.Q., and Montreal, P.Q., through which ports such European stock may enter from September 15th to May 15th. Such European nursery stock, and such other imported vegetation as the Minister may determine, entering Canada, shall be exempt from fumigation, but shall be inspected, either at the port of entry, or at its destination to which it may be allowed to proceed, but in the latter case it must not be unpacked except in the presence of an inspector.

7. If, on inspection, nursery stock or other vegetation or vegetable matter is found to be infested with any of the insects, pests or diseases hereinafter specified, it shall be destroyed to the extent deemed necessary by the inspector and in his presence. All cases, packages and packing in which such stock has been contained shall also be destroyed in the same manner.

8. Any inspector entering any lands, nursery or other premises where there is reason to believe that any of the insects, pests or diseases hereinafter specified are or may be present, shall give instructions for the treatment or destruction of any tree, bush, crop or other vegetation or vegetable matter or the containers thereof, which may be found or suspected to be infested with any of the insects, pests or diseases hereinafter specified, and such instructions shall be carried out by the owner or lessee of the infected or suspected vegetation, vegetable matter, or containers thereof, and such remedial treatment shall be carried out and continued until the insect, pest or disease shall be deemed by the inspector to have been exterminated.

9. Compensation not exceeding two-thirds of the value as assessed by the inspector, of the vegetation or vegetable matter or containers thereof destroyed by the instructions of an inspector, shall be granted by the Governor in Council upon the recommendation of the Minister.

10. It shall be illegal to sell, offer for sale or in any way dispose of or receive any trees, shrubs, or other plants, vegetable matter or portions of the same, if the same are infested with any of the insects, pests or diseases hereinafter specified.

11. The owner, occupier or lessee of any premises or place where any of the insects, pests or diseases specified herein shall be found, shall immediately notify the Minister, and shall also send to him specimens of such insects, pests or diseases.

12. The destructive insects, pests, and diseases to which the said Act shall apply shall include the following:—

The San José Scale (*Aspidiotus perniciosus*).

The Brown-tail Moth (*Euproctis chrysorrhoea*).

The Woolly Aphis (*Schizoneura lanigera*).

The West Indian Peach Scale (*Aulacaspis pentagona*).

The Gypsy Moth (*Porthetria dispar*).

Potato Canker (*Chrysophlyctis endobiotica*).

Parasitic diseases affecting potatoes externally or internally.

Branch or Stem Canker (*Nectria ditissima*).

Gooseberry Mildew (*Sphaerotheca mors-uvæ*).

White Pine Blister Rust (*Peridermium strobi*).

13. The importation of potatoes into Canada from Newfoundland or the Islands of St. Pierre or Miquelon is prohibited.

14. The Minister may, upon special request to that effect, authorize the importation into Canada of any insect, pest or disease herein specified, but for scientific purposes only.

15. The regulations made under the San José Scale Act are repealed.

INSTRUCTIONS TO CUSTOMS OFFICERS.

These regulations have been issued by the Commissioner of Customs to the Collectors of Customs (Memoranda Nos. 1589 B, 1621 B and 1628 B) with the following instructions:—

To Collectors of Customs:—

Customs officers are requested to notify the Dominion Entomologist, Experimental Farm, Ottawa, of the arrival of shipments of nursery stock from Europe* on the dates on which they are received.

In these regulations the expression 'Minister' refers to the Minister of Agriculture:—

REPORTING SEIZURES UNDER THE DESTRUCTIVE INSECT AND PEST ACT.

Goods imported contrary to the Destructive Insect and Pest Act are to be detained and the Collector is to notify the importer to the following effect:—

"The following goods consigned to you and which are prohibited to be imported under the Destructive Insect and Pest Act, are now detained at..... viz.:—..... the goods will be destroyed as provided by law unless you instruct me without delay that you desire to have the same returned. Please reply at once."

The prohibited goods, if to be returned, should be exported out of Canada without delay, under manifest (in bond), otherwise they are to be destroyed.

Instead of reporting each case of detention or seizure of articles separately, you will send to this department at the end of each month a statement giving the following information:—

1. Date of importation.
2. Name and address of importer.
3. Description of articles.
4. How dealt with and when.

If there have not been any imports detained during the month, no 'Statement' will be required to be sent to the Department for such month.

* NOTE.—Notifications also of shipments arriving from Japan, and the States of Vermont, New Hampshire, Maine, Massachusetts, Connecticut and Rhode Island are also required. That is, of all stock requiring inspection.

INSPECTION OF NURSERY STOCK.

Referring to Memo. No. 1621 B., you are advised that nursery stock from the following countries and states requires inspection:—

Europe, Japan and the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island. (Regulations 3 and 6). Except greenhouse-grown plants and greenhouse-grown roses (accompanied by a certificate), herbaceous perennials, herbaceous bedding plants, bulbs and tubers, and cottonwood grown in Dakota or Minnesota, (see Regulation 3), all of which stock is admitted at any time without inspection.

The following are the Ports of Entry for stock requiring inspection, with periods during which stock may be imported:—

Halifax, N.S.	Sept. 15 to May 15	European stock only.
St. John, N.B.	Mar. 15 to May 15 and Oct. 7 to Dec. 7	All stock. (Fumigation Station.)
Sherbrooke, P.Q.	Sept. 15 to May 15	European stock only.
St. Johns, P.Q.	Mar. 15 to May 15 and Sept. 26 to Dec. 7	All stock. (Fumigation Station.)
Montreal, P.Q.	Sept. 15 to May 15	European stock only.
Niagara Falls, Ont.	Oct. 1 to May 15	All stock. (Fumigation Station.)
Windsor, Ont.	Mar. 15 to May 15 and Sept. 26 to Dec. 7	do
Winnipeg, Man.	Mar. 15 to May 15 and Oct. 7 to Dec. 7	do
Vancouver, B.C.	Oct. 1 to May 1	do

Stock requiring inspection is to be treated, after a notification has been sent to the Dominion Entomologist, by Customs officers at the different ports as follows:—

Halifax, N.S.	To be allowed to proceed to destination.
St. John, N.B.	Shipments for points in Nova Scotia to be allowed to proceed; shipments for points in New Brunswick to be held for inspection at St. John by the officer in charge of the Fumigation Station.
Sherbrooke, P.Q.	Shipments to be held for inspection.
St. Johns, P.Q.	Shipments to be held for inspection, unless destined for Montreal, where they should be entered subject to inspection at that port.
Montreal, P.Q.	Shipments for points within the district of Montreal to be allowed to proceed for inspection at destination; shipments for points outside the district of Montreal to be held for inspection.
Niagara Falls, Ont.	Shipments to be allowed to proceed for inspection at destination.
Windsor, Ont.	Shipments to be held for inspection by officers in charge of Fumigation Station.
Winnipeg, Man.	
Vancouver, B.C.	

JOHN McDUGALD,

Commissioner of Customs.

EXPLANATION OF REGULATIONS FOR PERSONS IMPORTING NURSERY STOCK INTO CANADA.

Provision is made under Section 3 for the importation of certain classes of stock indicated in sub-sections '(a)' to '(e)' at any season of the year and through any port. Such stock is exempt from fumigation and inspection and no notification of the importation of such stock is necessary.

It should be noted, however, that greenhouse-grown stock must be accompanied by a certificate.

All other stock, with the additional exception of European stock, must be fumigated in the Fumigation Station at one of the ports of entry specified under section 3, through which ports such stock may be imported during certain seasons of the year only as defined.

Certificates of Fumigation or Exemption are issued by the officers in charge of the Fumigation Stations.

Nursery stock from the following places is inspected:—Europe, Japan and the States of Vermont, Maine, Massachusetts, New Hampshire, Connecticut and Rhode Island, six of the United States of America. This inspection is made either at the port of entry, as for example in the case of shipments consigned to points in New Brunswick or west of Winnipeg, etc., or at the destination of the stock, according to the decision of the Honourable the Minister of Agriculture.

When stock is allowed to proceed to its destination for inspection it must not be unpacked except in the presence of an inspector.

Importers must notify the Dominion Entomologist of the name of the consignee and of the nature, origin, and quantity of the stock, etc., on despatching the order, and a second notification is to be sent of the arrival of the shipments.

This also applies to Custom House Brokers, transportation companies and others bringing stock into Canada. The sending of this notification need not entail much trouble, as a duplicate copy can be made at the time of despatching the order and mailed, postage free, to the Dominion Entomologist.

When instructing shippers as to the port of entry through which the stock is to be shipped, importers should also carefully note and advise shippers of the dates upon which the fall and spring importation seasons close or open, otherwise inconvenience may be caused by the refusal to admit the stock not arriving within the prescribed periods. Importers may obtain copies of this Act to send the shippers on application to the Dominion Entomologist, to whom all inquiries should be addressed.